

REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the foregoing amendments and following remarks.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

The Office Action indicates that claims 1, 3-5, 7-9, 11-13, 15-17, and 27 are pending in this application. Each of the pending independent claims, namely, claims 1, 7, 17, and 27, are herein amended for clarity. No new matter has been added by the amendments presented herein. It is submitted that the claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are primarily directed to form and are made simply for clarification.

IV. REJECTIONS UNDER 35 U.S.C. § 102(e)

The Office Action maintains the rejection of that claim 1 is rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent Application Publication No. US 2003/0016750 to Cok et al. (hereinafter, "Cok"). Applicant respectfully traverses the stated § 102(e) rejection, and submits that all pending claims are patentable over Cok for at least the reasons presented below.

As understood by Applicant, Cok relates to presenting digital motion image sequences at different effective rates, e.g., the effective rate may be different in different portions of an image sequence. More specifically, Cok relates to recording a digital motion image sequence at a capture frame rate; analyzing the recorded digital motion image sequence to determine different effective image content change rates as a function of the frame-to-frame

scene content changes in different portions of the image sequence, and processing the digital motion image sequence to produce a processed digital motion image sequence whose image content change can be presented at the effective rate. *See, e.g.*, Abstract and ¶ [0017]. Cok explains that presentation of an effective frame rate motion image sequence can be accomplished in one of two different ways: (i) by displaying a frame for an arbitrary amount of time, or (ii) by presenting frames at a fixed presentation frame rate that is an integral multiple of any of the effective frame rates within the motion image sequence. According to Cok, to implement the first way each frame in the image sequence is accompanied by meta-data information describing the frame rate (or exposure time) for each frame in the image sequence, whereas to implement the second way each frame has an associated replication value representing the number of times each frame is to be presented so as to present the frames at the effective rate. *See, e.g.*, ¶¶ [0023] and [0024].

Claim 1 recites, *inter alia*:

A transmission apparatus comprising:

transmit data generation means for generating transmit data by linking to main data representing an image and/or audio accessory information including **information on a frame rate of this main data and frame identification information of each frame included in a reference frame period such that in the event that a plurality of frames are included within the reference frame period, then the frame identification information indicates the identification of each of the plurality of frames and the order of the plurality of frames within said reference frame period;** and

transmission processing means for performing output processing on the transmit data via a transmission channel . . .
[Emphasis added.]

Applicant respectfully submits that Cok does not teach or suggest the combination of limitations required by Applicant's claim 1. While Cok discusses using meta-data information describing the frame rate (or exposure time) for each frame in the image sequence or alternatively each frame having an associated replication value, Applicant respectfully submits that Cok does not teach or suggest, *inter alia*, "frame identification information of each frame included in a reference frame period such that in the event that a plurality of frames are included within the reference frame period, then the frame identification information indicates the identification of each of the plurality of frames and the order of the plurality of frames within said reference frame period," as required by Applicant's claim 1. For example, neither Cok's frame rate (or exposure time) metadata nor Cok's replication value can be considered as being frame identification information that "indicates the identification of each of the plurality of frames and the order of [a] plurality of frames within [a] reference frame period."

Therefore, for at least the foregoing reasons, Applicant respectfully submits that independent claim 1 is patentable. For reasons similar to those described above with regard to independent claim 1, independent claims 9, 17, and 27 are also believed to be patentable.

V. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken

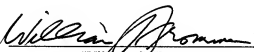
as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

CONCLUSION

In view of the above, it is submitted that all pending claims are patentable and the application is in condition for allowance, and Applicant respectfully requests early reconsideration and allowance of the application.

Applicant gratefully acknowledges the Examiner's consideration of this matter, and the Examiner is respectfully invited to contact Applicant's undersigned representative by telephone on any outstanding issue regarding the application.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: 
William S. Frommer
Reg. No. 25,506
(212) 588-0800